

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 03 BRUSSELS 000614

SIPDIS

SENSITIVE

DEPARTMENT FOR CA AND EUR/ERA; DHS FOR BTS, CBP, ICE, AND
CIS; DOJ FOR CRM; ROME ALSO FOR DHS - ACORSANO

E.O. 12958: N/A

TAGS: [CPAS](#) [CVIS](#) [CMGT](#) [PREL](#) [SMIG](#) [KCRM](#) [KFRD](#) [EUN](#) [USEU](#) [BRUSSELS](#)
SUBJECT: BIOMETRICS: EU TECHNICAL STANDARDS FOR PASSPORTS
AND FINGERPRINTS

REF: (A) STATE 23029 (B) 04 BRUSSELS 4844

1. (SBU) Summary. The EU is set to approve a decision on technical standards related to biometrics in travel documents by the end of February. From that point, EU Member States will have 18 months to begin issuing passports that contain digitized photographs on contactless chips. A separate decision which will outline the technical standards for including digitized fingerprints in passports is still under discussion. The European Commission (EC) envisions limiting access to the digitized fingerprints. However, agreements with third countries may be permitted so that foreign officials can verify the identity of the passport holder through a fingerprint comparison. National laws will govern the usage of digitized fingerprints that are collected as part of the passport application but kept in national databases. Some Member States have questioned the EC regulation that mandates universal collection of fingerprints from passport applicants, noting that fingerprints of children under age seven are often unverifiable due to size. Although the European Parliament objected to including digitized fingerprints in passports, its opinion was ignored by the EU Council. End Summary.

Technical Standards

2. (SBU) The European Commission (EC) has finalized its proposal for most technical standards related to biometrics in passports and has gained approval from the Article 6 committee. Within the next few days, the official translations of this decision will be sent to national capitals, and final approval by the EU Council is expected before the end of February. The decision will cover the EU's overall approach to biometrics in passports, as well as specific standards related to the incorporation of digitized photographs. Standards such as the scope and limitation of biometrics, storage requirements and medium, passport and chip layout, data security issues and other technical details will be defined in the decision.

3. (SBU) Once approved, the 18-month implementation phase for the EU Member States begins. All Member States will need to be issuing passports that comply with the ICAO standard by the end of August 2006 (a date which would meet the U.S. deadline only if Congress agrees to a second one-year postponement). Member States may, however, begin issuing passports as soon as they are ready. Belgium is already issuing passports with biometrics, and the EC believes that Germany may follow shortly.

Fingerprints and Access

4. (SBU) The EC is working on a separate decision that will cover technical standards related specifically to passport fingerprints. According to the official at DG Justice, Freedom and Security (JFS) drafting the decision, the EC will require only two fingerprints: plain impressions of the left and right index fingers stored on the chip as images. Once this regulation is adopted, the 36-month implementation period to add digitized fingerprints to national passports begins.

5. (U) The use of digitized fingerprints, once they are incorporated into passports, is limited by Article 4.3 of EC Regulation 2252 entitled "standards for security features and biometrics in passports and travel documents issued by the Member States." The regulation states that the biometric features "shall only be used for verifying: a) the authenticity of the document and b) the identity of the holder by means of directly available comparable features when the passport or other travel documents are required to be produced by law."

6. (SBU) The EC regulation, however, does not govern the use of the fingerprints collected by Member States during the passport issuance procedure. Member States may decide to

retain these fingerprints in national databases. National laws will govern whether collected fingerprints can be run against national criminal databases as part of the passport issuance process, or subsequently used for law enforcement or other purposes (e.g., identifying victims of the tsunami). The EC is not aware of any Member State currently collecting fingerprints as part of the passport application process. Some Member States, however, do collect fingerprints for national identity cards, which are in turn used as primary documents for passport issuances.

17. (SBU) The EC's passport fingerprint regulation will also cover the issue of access. According to the drafting official at JFS, the EC will probably opt for "extended access control" for the part of the passport contactless chip that contains the fingerprints. Unlike the biographic data and digitized photograph, which will be protected with "basic access control" (i.e., once the passport is swiped the data flashes up on the screen), the fingerprints will require an access key. The key on the chip will need to match the key that is programmed into the passport reader. If the two keys match, the fingerprint data will also appear on the screen.

18. (SBU) The EC decision will require all 25 EU Member States to give each other access keys to the fingerprint data in the passports. The regulation might also allow for agreements with third countries. This would enable an EU Member State to give the U.S. or other third country the access key for their national passports and allow extended access to the fingerprints. There has been no discussion yet about whether such access would need to be reciprocal. Presumably, third countries would be limited to use this access only for the purposes described in paragraph 5.

Biometrics and Children

19. (SBU) Two of the Member States that are furthest along in incorporating biometrics into passports have raised questions over the provision in Article 1 of EC regulation 2252 that requires all passports to contain digitized photographs and fingerprints, including those issued to children.

110. (SBU) The Netherlands sent the EC an interim report based on a pilot project undertaken in six municipalities which concludes that collecting biometrics from children under age 7 is unfeasible. Of the 610 voluntary participants under the age of 16, there was a verification failure rate of 100 percent for fingerprints collected from children ages two and under. The size of the finger (and thus the print) was too small for identifying features to be selected for a proper comparison. The mobility of these children also contributed to collection flaws. The study also said that the facial images collected for babies resulted in verification failure in 25 percent of the cases. For children ages 3-6, fingerprints were unusable in 29 percent of the cases (both prints) with only one print useable in and an additional 7 percent of the cases. Photograph verification failed in 11 percent of the cases for this age group. Based on these results and the fact that the Netherlands still allows for family passports, Dutch authorities have suggested that the EC amend regulation 2252 to exempt children from the biometrics requirement.

111. (SBU) Germany has also expressed its concern to the EC about biometrics for children. According to the EC, Germany does not plan to incorporate biometrics into its special passports for children that are issued by over 6000 municipalities across the country. This will not violate regulation 2252 since Article 1.3 exempts the biometric requirement for passports having a validity of 12 months or less, an exemption which covers the German child passport.

Parliament's Opinion and Future Role

112. (U) On December 1, the European Parliament passed a non-binding resolution (471 votes for, 118 against, and 6 abstentions) regarding the EC's proposal on biometrics in passports. MEPs agreed on the inclusion of digitized photographs, but insisted that digital fingerprints remain optional for the Member States. They also opposed the establishment of a central database for EU passport information, alleging potential risks to abuse of the data and mission creep. MEPs stated that biometrics should only be used to match the traveler with the document and should not be used for background checks. Furthermore, MEPs called for the regulation to come into effect only if and when the national data protection authorities were given adequate investigative powers and resources to ensure data protection.

113. (U) Because of the EC governmental structure in place in 2004, the Council was able to ignore many of the Parliament's concerns when it adopted Regulation 2252 on

December 13.

14. (U) However, on December 15, the Council adopted a decision which substantially strengthens the Parliament,s role in most decisions related to border management. As of January 1, the Parliament,s role has been elevated to a "co-decision making" procedure. The December 13 decision also modifies the procedure within the Council on all border matters except legal immigration from unanimity to "qualified majority voting". (Note: The UK, Ireland and Denmark will not be affected by many of these decisions because of their negotiated opt-outs. End Note.)

Comment

15. (SBU) While the procedural changes should speed up the decision-making process on the Council side of the house, the Parliament,s role will likely prove a brake on key USG goals such as information sharing and other measures to enhance international transportation security. Issues that the Parliament holds dear, like data protection and privacy, will need to be addressed more robustly before the EC,s proposals can be adopted.

16. (SBU) The EC has not applauded Belgium for its early lead in rolling out a biometric passport, particularly since it did not wait for the technical standards decision to be finalized. One of the primary motives for the EC to exert competence in the passport process was to play a coordinating role and ensure interoperability. The EC notes that without the readers and other necessary infrastructure in place, the Belgian biometric passports are virtually meaningless; currently, they cannot even be read at the Brussels airport. Nevertheless, the EC understands Belgium,s particular interest in spearheading the move to more secure passports because of its probationary status in the visa waiver program.

MCKINLEY
.